

REMARKS

Claims 1 and 2 are pending in this application. Reexamination and reconsideration of the application, as amended, are requested.

35 U.S.C. Sec. 112 Rejections

Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The rejection is traversed.

The rejection focuses on the phrase "predetermined amount of irreversible deformation will be caused in the battery container," recited in claim 1. However, this term is easily understandable when considered in the context of the present invention. As discussed at pages 4-8 of the specification, the combined battery of the present invention has a binding force that takes into consideration the number and compressibility of the cells in the battery and the stiffness of the battery container in avoiding undesirable irreversible deformation of the battery container. Those skilled in the art should have no problem understanding the deformation of a battery container, or a binding force that results from consideration of certain factors, the factors being readily identified properties. Therefore, claim 1 satisfies the definiteness requirement of 35 USC 112.

In addition, claim 1 has been amended to clarify that it is deformation during use that is considered. This is clear, for example, from the discussion in the paragraph bridging pages 4-5 of the specification.

35 U.S.C. Sec. 102 Rejections

Claims 1 and 2 are rejected under 35 U.S.C. § 102(b) as being anticipated by Shimakawa et al., U.S. Patent 5,817,435. The rejection is traversed.

Claim 1 requires that a combined battery in which a plurality cells are bound by two end plates that provide a binding force equal to or lower than a threshold value determined based upon factors including the stiffness of the battery container. Shimakawa fails to teach or suggest at least this feature.

Shimakawa, discusses adjusting the size and mechanical strength of end plates and binding members in a battery module based upon the expansion force of the electrode group, the

number of stacked cells and the internal pressure of a cell. See col. 6, lines 20-24. This discussion fails to teach or even suggest a combined battery in which the binding force is selected not to exceed a threshold value based on factors including the stiffness of the battery. In fact, the reference is silent as to the binding force selected for the battery module. Note that Col. 6, lines 13-20 indicate that the cells are "tightly bound" to each other, suggesting that the binding force should be high. If anything, this teaches away from the idea of a binding force that is no greater than a certain threshold value. Therefore, Shimakawa fails to teach each and every element of claim 1.

Claim 2 depends from and further defines the patentably distinct claim 1. Thus, claim 2 is allowable for at least the reasons stated above regarding claim 1.

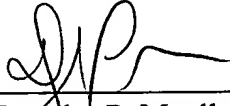
Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 102, and allowance of claims 1 and 2 are requested.

In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims. Please direct any inquiries concerning this application to the undersigned attorney at 612-371-5237.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402 - 0903
(612) 332-5300

Date: April 1, 2003



Douglas P. Mueller
Reg. No. 30,300
DPM/jt

VERSION WITH MARKINGS TO SHOW CHANGES MADE

Claim 1 has been amended as follows:

1. (Once Amended) A combined battery comprising two end plates and a plurality of cells stacked adjacent each other and bound by the two end plates,
wherein the cells are provided with a battery container made of resin, and
the plurality of cells are bound by the two end plates with a binding force equal to or lower than a threshold value determined based on a number and a compressibility of the cells and stiffness of the battery container, in such a manner that no more than a predetermined amount of irreversible deformation will be caused in the battery container during use.